

## History of U.S. Immigration Policies

**1790**

### **Naturalization Act of 1790**

The Naturalization Act of 1790 established the first rules for acquiring citizenship in the United States of America. The act created a uniform rule of naturalization and a residency requirement for new citizenship applicants. The law required immigrants to live in the United States for two years and their respective state of residence for one year prior to applying for citizenship.

**1819**

### **Congress enacted the first significant federal legislation relating specifically to immigration.**

Among its provisions, it: (1) established the continuing reporting of immigration to the United States; and (2) set specific sustenance rules for passengers of ships leaving U.S. ports for Europe.

**1864**

### **Centralized control over immigration**

Congress first centralized control over immigration under the Secretary of State with a Commissioner. The importation of contract laborers was legalized in this legislation.

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**1875**

**Direct federal regulation of immigration**

Direct federal regulation of immigration was established by a law that prohibited entry of prostitutes and convicts.

**1882**

**The Chinese exclusion law**

The Chinese exclusion law curbed Chinese immigration. Also excluded were persons convicted of political offenses, lunatics, idiots, and persons likely to become public charges. The law placed a head tax on each immigrant.

**1885**

**Admission of contract laborers was banned.**

**1888**

**Provisions were adopted**

Provisions were adopted--the first since 1798--to provide for expulsion of aliens.

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**1891**

### **The Bureau of Immigration**

The Bureau of Immigration was established under the Treasury Department to federally administer all immigration laws (except the Chinese Exclusion Act).

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**1903**

### **Consolidation**

Immigration law was consolidated. Polygamists and political radicals were added to the exclusion list.

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**1906**

### **English language requirement**

Procedural safeguards for naturalization were enacted. Knowledge of English was made a basic requirement.

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**1907**

### **Restrictions for medical conditions**

A bill increased the head tax on immigrants, and added people with physical or mental defects or tuberculosis and children unaccompanied by parents to the exclusion list.  
Japanese immigration became restricted

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## 1917

### Restrictions for medical and moral conditions

Added to the exclusion list were illiterates, persons of psychopathic inferiority, men as well as women entering for immoral purposes, alcoholics, stowaways, and vagrants.

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## 1921

### First numeric limits

The first quantitative immigration law was adopted. It set temporary annual quotas according to nationality. A titled *Not Like Us: Immigrants and Minorities in America, 1890–1924*, discusses this period.

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## 1924

### Quota system

The first permanent immigration quota law established a preference quota system, nonquota status, and consular control system. It also established the Border Patrol.

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## 1929

### Quotas made permanent

The annual quotas of the 1924 Act were made permanent.

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**1943**

**Start of the bracero program**

Legislation provided for the importation of agricultural workers from North, South, and Central America--the basis of the "Bracero Program." At the same time the Chinese exclusion laws were repealed.

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**1946**

**War brides**

Procedures were adopted to facilitate immigration of foreign-born wives, fiance(e)s, husbands, and children of U.S. armed forces personnel.

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**1948**

**First refugee provisions**

The first U.S. policy was adopted for admitting persons fleeing persecution. It permitted 205,000 refugees to enter the United States over two years (later increased to 415,000).

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**1950**

**Communist exclusion**

The grounds for exclusion and deportation of subversives were expanded. All aliens were required to report their address annually.

## 1952

### **The Immigration and Nationality Act of 1952**

The multiple laws which governed immigration and naturalization to that time were brought into one comprehensive statute, the Immigration and Nationality Act of 1952. It (1) reaffirmed the national origins quota system, (2) limited immigration from the Eastern Hemisphere while leaving the Western Hemisphere unrestricted, (3) established preferences for skilled workers and relatives of U.S. citizens and permanent resident aliens; and (4) tightened security and screening standards and procedures.

**LEARN MORE** (</LEGISLATION/REPORTS-AND-ANALYSIS/IMMIGRATION-AND-NATIONALITY-ACT-1952>)

## 1953

### **Refugee Relief Act of 1953**

The Refugee Relief Act also referred to as the Special Migration Act of 1953 was a law passed by the 83rd Congress. After the Displaced Persons Act of 1948 expired in 1952, this legislation became the nation's second refugee resettlement law and increased the admission rate to over 200,000 refugees.

**1965**



## **Immigration and Nationality Act of 1965**

The Hart-Cellar Act abolished the national origins quota system but still maintained was the principle of numerical restriction by establishing 170,000 Hemispheric and 20,000 per country ceilings and a seven-category preference system (favoring close relatives of U.S. citizens and permanent resident aliens, those with needed occupational skills, and refugees) for the Eastern Hemisphere and a separate 120,000 ceiling for the Western Hemisphere.

**1976**

## **Refugee changes**

The 20,000 per-country immigration ceilings and the preference system became applied to Western-Hemisphere countries. The separate Hemispheric ceilings were maintained.

**1978**—The separate ceilings for Eastern and Western Hemispheric immigration were combined into one world-wide limit of 290,000.

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**1980**

### **Refugee Act**

The Refugee Act removed refugees as a preference category and established clear criteria and procedures for their admission. It also reduced the world-wide ceiling for immigrants from 290,000 to 270,000.

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**1986**

### **Immigration Reform and Control Act (IRCA)**

The Immigration Reform and Control Act (IRCA) was a comprehensive reform effort. It (1) legalized aliens who had resided in the United States in an unlawful status since January 1, 1982, (2) established sanctions prohibiting employers from hiring, recruiting, or referring for a fee aliens known to be unauthorized to work in the United States, (3) created a new classification of temporary agricultural worker and provided for the legalization of certain such workers; and (4) established a visa waiver pilot program allowing the admission of certain nonimmigrants without visas.

Separate legislation stipulated that the status of immigrants whose status was based on a marriage be conditional for two years, and that they must apply for permanent status within 90 days after their second year anniversary.

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**1989**

### **Nursing exemption**

A bill adjusted from temporary to permanent status certain nonimmigrants who were employed in the United States as registered nurses for at least three years and met established certification standards.

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## **1990th of the current category system**

Comprehensive immigration legislation provided for (1) increased total immigration under an overall flexible cap of 675,000 immigrants beginning in fiscal year 1995, preceded by a 700,000 level during fiscal years 1992 through 1994, (2) created separate admission categories for family-sponsored, employment-based, and diversity immigrants, (3) revised all grounds for exclusion and deportation, significantly rewriting the political and ideological grounds and repealing some grounds for exclusion, (4) authorized the Attorney General to grant temporary protected status to undocumented alien nationals of designated countries subject to armed conflict or natural disasters, and designated such status for Salvadorans, (5) revised and established new nonimmigrant admission categories, (6) revised and extended through fiscal year 1994 the Visa Waiver Program, (7) revised naturalization authority and requirements, and (8) revised enforcement activities.

**1996**



### **Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)**

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), enacted in 1996, resulted from the process of deliberating on the recommendations of the U.S. Commission on Immigration Reform established by President Bill Clinton and the Congress to examine both legal and illegal immigration issues.

After a long and arduous effort to develop bipartisan legislation dealing with both reform of legal and illegal immigration, Congress narrowed its focus on illegal immigration provisions with a promise by many that they would return soon to the effort to reform legal immigration.

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**1998**

**American Competitiveness and Workforce Improvement Act**

Increase in H-1B visa cap. New fees and penalties for abuse of the H-1B system.

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**1998**

**NACARA**

On November 19, 1997, President Clinton signed into law the Nicaraguan Adjustment and Central American Relief Act (NACARA). NACARA provided permanent residence ("green cards") to certain Nicaraguans, Cubans, Salvadorans, Guatemalans, nationals of former Soviet bloc countries and their dependents.

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**2000**

**Haitian amnesty**

Haitian Refugee Immigration Fairness Act (HRIFA), which was enacted in December 2000 applied to Haitians who had been the beneficiaries of an earlier DED designation in 1995.

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**2000**

**American Competitiveness in the 21st Century Act**

Removed effective caps on H-1B by allowing for more renewals of H-1B status without counting against the cap.

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**2002**

**Homeland Security Act**

Created the Department of Homeland Security. All immigration enforcement and adjudication now located within DHS.

**2004**

**L-1 Visa Reform Act of 2004**

Added new penalties for abuse of the L-1 intra-company transfer visa.

**2004**

**H-1B Visa Reform Act of 2004**

Added 20,000 new H-1B slots for foreign students graduating with a masters degree from American universities.

**2005**

**REAL ID Act**

Established federal standards for identification documents.

**2006**

## **Secure Fence Act**

Authorized construction of a border fence along the U.S. – Mexico border.

## **Refugee Admissions in the 1950s and 1960s**

Major refugee admissions occurred outside the national origins quota system during the 1950s. The Refugee Relief Act (RRA) of August 7, 1953, and the amendments of August 1954, authorized the admission of 214,000 refugees from war-torn Europe and escapees from Communist-dominated countries. Thirty percent of the admissions during the life of the Act were Italians, followed by Germans, Yugoslavs, and Greeks.

The RRA originated as an Administration bill, and combined humanitarian concern for the refugees and escapees with international political considerations. Quoting from President Eisenhower's letter which accompanied the draft legislation:

*"These refugees, escapees, and distressed peoples now constitute an economic and political threat of constantly growing magnitude. They look to traditional American humanitarian concern for the oppressed. International political considerations are also factors which are involved. We should take reasonable steps to help these people to the extent that we share the obligation of the free world."*

In particular, the inclusion of the category of escapees from communist domination in this and subsequent refugee legislation reflected the preoccupations of this Cold War period. This concern was also a major factor in the admission of refugees from the unsuccessful Hungarian revolution of October 1956. A total of 38,000 Hungarian refugees were eventually admitted to the United States, 6,130 with RRA visas and the remainder under the parole provision of the Immigration and Nationality Act (INA).

The Act of September 11, 1957, sometimes referred to as the Refugee-Escapee Act, provided for the admission of certain aliens who were eligible under the terms of the Refugee Relief Act, as well as refugee-escapees, defined as persons fleeing persecution in Communist countries or countries in the Middle East. This was the basis for the definition of refugee incorporated in the INA from 1965 until 1980. A total of 29,000 entered under the temporary 1957 refugee provisions, led by Hungarians, Koreans, Yugoslavs, and Chinese.

During the 1960s, refugees from persecution in communist-dominated countries in the Eastern Hemisphere and from countries in the Middle East continued to be admitted, first under the Fair Share Law, enacted July 14, 1960, and subsequently under the INA. About 19,700 refugees entered under the 1960 legislation. Its primary purpose was to enable the United States to participate in an international

effort to close the refugee camps which had been in operation in Europe since the end of World War II. U.S. participation was limited to one-fourth of the total number resettled.

Cuban refugees began entering the United States with the fall of the Batista government in 1959, and continued throughout the 1960s and, in smaller numbers, the 1970s. Approximately 700,000 Cuban refugees had entered the United States prior to a new influx which began in April 1980. The United States has accepted the Cubans as refugees from communism through a variety of legal means.

## **The INA Amendments of 1965 and their Aftermath**

The October 1965 amendments to the 1952 Immigration and Nationality Act (INA) repealed the national origins quota system and represented the most far-reaching revision of immigration policy in the United States since the First Quota Act of 1921. In place of nationality and ethnic considerations, the INA amendments (P.L. 89 236; 79 Stat. 911) substituted a system based primarily on reunification of families and needed skills.

The circumstances which led to this major shift in policy in 1965 were a complex combination of changing public perceptions and values, politics, and legislative compromise. It can be argued that the 1965 immigration legislation was as much a product of the mid-1960s and the heavily Democratic 89th Congress which also produced major civil rights legislation, as the 1952 Act had been a product of the Cold War period of the early 1950s.

The 1965 amendments adopted an annual ceiling on Eastern Hemisphere immigration of 170,000 and a 20,000 per country limit. Within these restrictions, immigrant visas were distributed according to a seven-category preference system placing priority on family reunification, attracting needed skills, and refugees. The 1965 law also provided that effective July 1, 1968, Western Hemisphere immigration would be limited by an annual ceiling of 120,000 without per-country limits or a preference system.

The INA Amendments of 1976 (P.L. 94-571; 90 Stat. 2703) extended to the Western Hemisphere the 20,000 per-country limit and a slightly modified version of the seven category preference system. Legislation enacted in 1978 (P.L. 95 412; 92 Stat. 907) combined the separate ceilings into a single worldwide ceiling of 290,000 with a single preference system. The Refugee Act of 1980 (P.L. 96 212; 94 Stat. 102) eliminated refugees as a category of the preference system, and set the worldwide ceiling at 270,000, exclusive of refugees.

Since 1965, the major source of immigration to the United States has shifted from Europe to Latin America and Asia, reversing the trend since the founding of the nation. According to the Immigration and Naturalization Service (INS), Europe accounted for 50 percent of U.S. immigration during the decade fiscal years 1955 to 1964, followed by North America at 35 percent, and Asia at eight percent. In fiscal year 1988, Asia was highest at 41 percent, followed by North America at 39 percent, and Europe at 10 percent. In order, the countries exceeding 20,000 immigrants in fiscal year 1988 were Mexico, the Philippines, Haiti, Korea, India, mainland China, the Dominican Republic, Vietnam, and Jamaica.

These figures reflect a shift in both accessibility and conditions in the sending countries. For example, Asian immigration, which was severely limited prior to the 1965 amendments, subsequently has been augmented by the large number of Indochinese refugees adjusting to immigrant status outside the numerical limits. On the other hand, Irish immigration fell from 6,307 in fiscal year 1964 to 1,839 in

fiscal year 1986, with 734 entering under the preference system and the majority entering as the immediate relatives of U.S. citizens. Ireland had been heavily favored under the national origins quota system.

## Immigration History: The 1970s to the Present

### The 1970s through 1990s: Immigration Issues, Review, and Revision

The patterns of immigration and the policy considerations relating to it in the 1970s resembled in some respects those of the 1950s after the enactment of the Immigration and Nationality Act. In both decades, the entry of aliens outside the provisions of the basic law--both illegally as undocumented aliens, and legally as refugees was increasingly the dominant pattern in immigration and the basis for the major issues confronting the Congress. Legislative response to the issue of refugees in 1980 and undocumented aliens in 1986 was followed in 1987 by a shift in congressional attention to legal immigration.

The 1981 report of the national Select Commission on Immigration and Refugee Policy contributed to congressional review of immigration issues. The sixteen-member Commission was created by legislation enacted in 1978 to study and evaluate immigration and refugee laws, policies, and procedures. Its basic conclusion was that controlled immigration had been and continued to be in the national interest, and this underlay many of its recommendations. The Commission's recommendations were summed up by Chairman Theodore Hesburgh in his introduction:

*"We recommend closing the back door to undocumented, illegal migration, opening the front door a little more to accommodate legal migration in the interests of this country, defining our immigration goals clearly and providing a structure to implement them effectively, and setting forth procedures which will lead to fair and efficient adjudication and administration of U.S. immigration laws."*

### Refugees and the Refugee Act of 1980

Between 1975 and 1980, refugees and refugee-related issues dominated congressional concern with immigration more than they had since the years following World War II. Beginning with the fall of Vietnam and Cambodia in April 1975, this five-year period saw the admission of more than 400,000 Indochinese refugees, the enactment of major amendments to the Immigration and Nationality Act in the form of the Refugee Act of 1980, and the exodus from Mariel Harbor, Cuba, to southern Florida.

The 1980 refugee legislation was enacted in part in response to Congress's increasing frustration with the difficulty of dealing with the ongoing large-scale Indochinese refugee flow under the existing ad hoc refugee admission and resettlement mechanisms. By the end of the 1970s, a consensus had been reached that a more coherent and equitable approach to refugee admission and resettlement was needed. The result was the amendments to the Immigration and Nationality Act contained in the Refugee Act of 1980, enacted on March 17, 1980 (P.L. 96-212; 94 Stat. 102).

The Refugee Act repealed the limitations which had previously favored refugees fleeing communism or from countries in the Middle East and redefined refugee to conform with the definition used in the

United Nations Protocol and Convention Relating to the Status of Refugees. The term refugee is now defined by the Immigration and Nationality Act as a **person who is unwilling or unable to return to his country of nationality or habitual residence because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.** The 1980 amendments made provision for both a regular flow and the emergency admission of refugees, following legislatively prescribed consultation with the Congress. In addition, the law authorized federal assistance for the resettlement of refugees.

Shortly after the enactment of the Refugee Act of 1980, large numbers of Cubans entered the United States through southern Florida, totaling an estimated 125,000, along with continuing smaller numbers of Haitians. The Carter Administration was unwilling to classify either group as refugee, and no action was taken on the special legislation sought by the Administration. Beginning in 1984, the Reagan Administration adjusted the majority of the Cubans to lawful permanent resident status under P.L. 89 732, 1966 legislation enacted in response to the Cuban refugee situation in the 1960s. However, the status of the Cuban/Haitian entrants was not resolved finally until enactment of the Immigration Reform and Control Act of 1986, which included special legalization provisions.

## **Illegal Immigration and the IRCA of 1986**

Immigration legislation focusing on illegal immigration was considered and passed by the 99th Congress, and enacted as the Immigration Reform and Control Act (IRCA) of 1986 P.L. 99-603 (November 6, 1986; 100 Stat. 3359), consists primarily of amendments of the basic 1952 Immigration and Nationality Act (INA), amended (8 U.S.C. 1101 et seq.).

Reform of the law relating to the control of illegal immigration had been under consideration for 15 years, i.e., since the early 1970s. The 1986 legislation marked the culmination of bipartisan efforts both by Congress and the executive branch under four Presidents. As an indication of the growing magnitude of the problem, the annual apprehension of undocumented aliens by the Department of Justice's Immigration and Naturalization Service (INS) increased from 505,949 in 1972, the first year legislation aimed at controlling illegal immigration received House action, to 1,767,400 in 1986. In 1987, after the adoption of IRCA, INS apprehensions dropped by a third to 1,190,488.

The prospect of employment in the United States is an economic magnet that draws aliens here illegally. The principal legislative remedy proposed in the past, and included in the new law, is employer sanctions, or penalties for employers who knowingly hire aliens unauthorized to work in the United States. In order to avoid a major law enforcement problem dealing with aliens who established roots here before the change in policy, a legalization program was established that provided legal status for otherwise eligible aliens who had been here illegally since prior to 1982. Second, the legislation sought to respond to the apparent heavy dependence of seasonal agriculture on illegal workers by creating a 7-year special agricultural worker program, and by streamlining the previously existing H-2 temporary worker program to expedite availability of alien workers and to provide statutory protections for U.S. and alien labor.

## **Legal Immigration and the Immigration Act of 1990**

After enactment of the 1986 Immigration Reform and Control Act (IRCA), which adopted a major change in deterrence against illegal immigration, congressional attention shifted to legal immigration,

including the 1965-adopted system of numerical limits on permanent immigration. This was an issue for a number of reasons. Concern had arisen over the greater number of immigrants admitted on the basis of family reunification compared to the number of independent non-family immigrants, and over the limited number of visas available to certain countries under the preference system. There was also concern about the growing visa waiting lists (backlogs) under the existing preference system and about the admission of immediate relatives of U.S. citizens outside the numerical limits.

Major legislation addressing these concerns passed the Senate and was introduced in the House in the 100th Congress (1987 to 1988). However, only temporary legislation addressing limited concerns passed both, leaving further consideration of a full-scale revision of legal immigration to the 101st Congress.

The Immigration Act of 1990 (IMMACT90) was signed into law as P.L. 101-649 by President Bush on November 29, 1990. It constituted a major revision of the Immigration and Nationality Act, which remained the basic immigration law. Its primary focus was the numerical limits and preference system regulating permanent legal immigration. Besides legal immigration, the eight-title Act dealt with many other aspects of immigration law ranging from nonimmigrants to criminal aliens to naturalization.

The legal immigration changes included an increase in total immigration under an overall flexible cap, an increase in annual employment-based immigration from 54,000 to 140,000, and a permanent provision for the admission of "diversity immigrants" from "underrepresented" countries. The new system provided for a permanent annual level of approximately 700,000 during fiscal years 1992 through 1994. Refugees were the only major group of aliens not included. The Act established a three-track preference system for family-sponsored, employment-based, and diversity immigrants. Additionally, the Act significantly amended the work-related nonimmigrant categories for temporary admission.

IMMACT90 (P.L. 101-649) addressed a series of other issues. It provided undocumented Salvadorans with temporary protected status for a limited period of time, and amended the Immigration and Nationality Act to authorize the Attorney General to grant temporary protected status to nationals of designated countries subject to armed conflict or natural disasters. It also authorized a temporary stay of deportation and work authorization for eligible immediate family members of the IRCA-legalized aliens, and made 55,000 additional visas available for them annually during fiscal years 1992 to 1994.

As a response to criticism of employer sanctions, IMMACT90 expanded the anti-discrimination provisions of the IRCA, and increased the penalties for unlawful discrimination. It significantly revised the political and ideological grounds for exclusion and deportation which had been controversial since their enactment in 1952.

## **Illegal Immigration Reform and Immigrant Responsibility Act**

### **Background**

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), enacted in 1996, resulted from the process of deliberating on the recommendations of the U.S. Commission on Immigration Reform established by President Clinton and the Congress to examine both legal and illegal immigration issues.

The Commission was chaired until her untimely death in 1996 by The Hon. Barbara C. Jordan who had served in the U.S. House of Representatives (D-TX) 1973-79, and was a professor at the Univ. of Texas-Austin 1979-96. The Commission's members included distinguished experts in immigration law and history and others with experience in national politics and business.

After a long and arduous effort to develop bipartisan legislation dealing with both reform of legal and illegal immigration, Congress narrowed its focus on illegal immigration provisions with a promise by many that they would return soon to the effort to reform legal immigration.

**"Credibility in immigration policy can be summed up in one sentence: Those who should get in, get in; those who should be kept out, are kept out; and those who should not be here will be required to leave...For the system to be credible, people actually have to be deported at the end of the process."**  
(Barbara Jordan, February 24, 1995 Testimony to House Immigration Subcommittee)

The provisions of IIRAIRA were aimed at adopting stronger penalties against illegal immigration, streamlining the deportation (removal) process by curtailing the never-ending legal appeal process that was used by immigration lawyers to keep their clients in the United States until they found a sympathetic judge who would grant suspension of deportation (cancellation of removal). Other toughening provisions adopted in the same year aimed at curbing the ability of terrorists to use the immigration process to enter and operate in the United States and to restrict the use of public welfare benefits by new immigrants contrary to the intent of the immigration law.

**"For our immigration policy to make sense, it is necessary to make distinctions between those who obey the law, and those who violate it."**  
(Barbara Jordan, address to United We Stand, America Conference, Dallas, TX, August 12, 1995)

## **Major Provisions of IIRAIRA**

- Authorized 5,000 additional Border Patrol agents by 2001 and included several hundred additional investigators to pursue employer sanctions violations, document fraud, and visa overstays.
- Barred legal admission for removed illegal aliens (for 5 to 20 years depending on the seriousness of the immigration violation) and permanently barred admission for deported or removed aggravated felons.
- Authorized a 14-mile-long triple fence at San Diego, California.
- Authorized necessary funds to expand the "IDENT" program to include fingerprinting of all illegal and criminal aliens apprehended nationwide.
- Facilitated deportation of criminal aliens by expanding the definition of aggravated felony to include crimes carrying a prison sentence of one year or more rather than time served.
- Stopped the release of criminal aliens from custody prior to deportation.

- Expedited the removal of inadmissible aliens by limiting judicial review.
- Made excludable or deportable those aliens who falsely claim U.S. citizenship.
- Required states to phase in, over six years, drivers' licenses and state-issued I.D. documents that are tamperproof and counterfeit-resistant.
- Increased criminal penalties for document fraud and smuggling. Added alien smuggling and document fraud to RICO (anti-racketeering) offences and granted the INS the authority to use wiretaps for such investigations.
- Required that sponsors of immigrants have income at least 25 percent above the poverty level and made affidavits of support by the sponsors legally binding.
- Tightened the Attorney General's authority over special admissions by requiring "urgent humanitarian reasons or significant public benefit" as grounds for admittance, and allowed for such admissions only on a case-by-case basis.